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Attorneys for Defendant
McDONNELL DOUGLAS CORPORATION

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

JAMES GUTHRIE, TONY DAVIDSON,
RONALD ZERANGUE, SAMUEL
RESTER, JOHN GRAY, ELMER
PAROLINI, WAYNE DUFAULT, JESSE
BEVERLY, JR.,

Plaintiffs,

vs.

GENERAL ELECTRIC COMPANY,
TODD SHIPYARDS CORPORATION,
LOCKHEED MARTIN
CORPORATION, RAYTHEON
AIRCRAFT COMPANY, MCDONNELL
DOUGLAS CORPORATION, and
DOES 1-300,

Defendants.

Case No. C07-2542 JL

[Assigned to the Hon. James Larson]

**MCDONNELL DOUGLAS
CORPORATION'S NOTICE OF
PENDENCY OF OTHER ACTION**

TO THE CLERK OF THE ABOVE-ENTITLED COURT, AND TO ALL
PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that pursuant to Civil Local Rule 3-13(b)(3)(B),
defendant McDonnell Douglas Corporation ("MDC") hereby notifies the Court that the
above-entitled action appears to involve all or a material part of the same subject matter
as other actions which are pending in the United States District Court for the Eastern
District of Pennsylvania, where all Federal Court asbestos personal injury claims have

1 been centralized pursuant to the Order of the Judicial Panel on Multi-District Litigation
 2 (Docket No. 875), in a single forum pursuant to 28 U.S.C. Section 1407. See Fung v.
 3 Abex Corp., 816 F. Supp. 569, 573 (N.D. Cal. 1992). In its July 29, 1991 Order (“MDL
 4 Transfer Order”), the Panel found that the involved actions, similar to the instant case,
 5 dealt with common questions of fact relating to injuries or wrongful death allegedly
 6 caused by exposure to asbestos, “and that centralization under § 1407 in the Eastern
 7 District of Pennsylvania will best serve the convenience of the parties and witnesses
 8 and promote the just and efficient conduct of this litigation.” In re Asbestos Products
 9 Liability Litigation (NO. VI), MDL-875 (J.P.M.L. July 29, 1991); see also Fung, supra,
 10 816 F. Supp. at 573. The MDL Transfer Order also applies to “tag-along actions,” or
 11 actions involving common questions of fact filed after the January 17, 1991 filing of the
 12 Panel’s Order to Show Cause. See MDC’s Notice of Tag-Along Action, filed
 13 concurrently herewith.

14 Accordingly, because the above-entitled case involves injuries allegedly suffered
 15 from exposure to asbestos, MDC requests that this Court transfer this case to the
 16 United States District Court for the Eastern District of Pennsylvania, for inclusion in
 17 the In re Asbestos Products Liability Litigation, MDL-875 proceedings. Such transfer
 18 is required under the above-cited authority, and would avoid conflicts, conserve judicial
 19 resources and promote an efficient determination of the above-entitled action.

20
 21 Dated: June 11, 2007

BRYAN CAVE LLP
 ROBERT E. BOONE III
 TYLER R. JOHNSON

22
 23
 24 By: 

25 Tyler R. Johnson
 Attorneys for Defendant
 McDONNELL DOUGLAS CORPORATION
 26
 27
 28

PROOF OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is Bryan Cave LLP, 120 Broadway, Suite 300, Santa Monica, CA 90401.

On June 11, 2007, I served the foregoing document, described as MCDONNELL DOUGLAS CORPORATION'S NOTICE OF PENDENCY OF OTHER ACTION, on each interested party in this action, as follows:

Alan R. Brayton
Brayton & Purcell LLP
222 Rush Landing Road
PO Box 6169
Novato, CA 94948-6169
Tel: 415-898-1555; Fax: 415-898-1247

☒ (BY MAIL) I placed a true copy (or original) of the foregoing document in a sealed envelope addressed to each interested party as set forth above. I placed each such envelope, with postage thereon fully prepaid, for collection and mailing at Bryan Cave LLP, Santa Monica, California. I am readily familiar with Bryan Cave LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service. Under that practice, the correspondence would be deposited in the United States Postal Service on that same day in the ordinary course of business.

☒ (BY FAX) I caused a true copy of the foregoing document to be served by facsimile transmission at the time shown on each attached transmission report from sending facsimile machine telephone number (310) 576-2200 to each interested party at the facsimile number shown above. Each transmission was reported as complete and without error. A transmission report was properly issued by the sending facsimile machine for each interested party served. A true copy of each such transmission report is attached hereto.

Executed on June 11, 2007, at Santa Monica, California.

☒ (FEDERAL ONLY) I declare that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

I declare under penalty of perjury under the laws of the United States of America and the state of California that the foregoing is true and correct.

/s/ Diane Kinder
Diane Kinder

BRYAN CAVE LLP
120 BROADWAY, SUITE 300
SANTA MONICA, CALIFORNIA 90401-2386

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Bryan Cave LLP
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Date: June 11, 2007
From: Tyler R. Johnson Telephone: 310-576-2363
To: Allan R. Brayton Fax Number: 415 -898-1247
Company: Brayton & Purcell LLP Telephone: 415 -898-1555

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Message:

Guthrie et al. vs. General Electric Company et al.
USDC Northern - San Francisco - C07-2542 JL

Service copies attached of McDonnell Douglas Corporation's:
Answer to Complaint
Certification of Interested Entities or Persons
Notice of Tag Along Action
Notice of Pendency of Other Action

Copies will follow via U.S. Mail